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Notice of Allowability

Application No.

09/894,375

Applicant(s)

NANIS, LEONARD

Examiner

Rodney G. McDonald

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Reconsideration filed 7-28-05.
2. ☒ The allowed claim(s) is/are 1-8, 10, 13, 14 and 33-35.
3. ☒ The drawings filed on 27 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 7-28-05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Claims 1-8, 10, 13, 14, 34 and 35 are allowable over the prior art of record because the prior art of record does not teach the claimed subject matter including the steps of providing a metal substrate having a cold worked surface, characterized by microstructural mechanical variations at and below the surface resulting from smoothing processes and with an average surface roughness of less than about 30 Angstroms, and vacuum-sputter deposition of a metallic layer onto the surface of the substrate, said metallic layer selected to bind to the substrate, thereby masking said microstructural mechanical variations of the substrate, and to reactively or catalytically nucleate the electroless plating of said nickel alloy in a subsequent wet chemistry step, depositing a nickel alloy layer by electroless plating on said thin metallic layer, the nickel alloy layer having surface roughness essentially unchanged from that of the cold worked surface of the metal substrate upon completion of the electroless plating.

The closest prior art to Nanis (U.S. Pat. 5,405,646) does not recognize the masking utilizing a vacuum-sputter deposited metallic layer of the microstructural mechanical variations at and below the surface resulting from smoothing process and with an average surface roughness of less than about 30 Angstroms. Suenaga et al. (U.S. Pat. 5,478,657) while recognizing smoothing of the substrate teaches away from providing a metallic layer directly on the smoothed substrate for masking but instead applies the nickel alloy directly on the smoothed substrate.

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Additionally Applicant's declaration cited in the Information Disclosure Statement of July 28, 2005 and provided in child Application No. 10/427,158 shows that while any disk subjected to polishing would possess "microstructural variations" that the ability to maintain such a smooth roughness (i.e. less than about 30 Angstroms) all the way through to the nickel alloy layer prior to preparing the nickel alloy layer if necessary for formation of a magnetic layer thereon would not have been obvious, nor inherent, to the prior art. Claim 1 specifically states this at lines 9-12 which states "...depositing a nickel alloy layer by electroless plating on the thin metallic layer, the nickel alloy layer having surface roughness essentially unchanged from that of the cold worked surface of the metal substrate upon completion of the electroless plating....".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney G. McDonald whose telephone number is 571-272-1340. The examiner can normally be reached on M- Th with Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney G. McDonald
Primary Examiner
Art Unit 1753

RM
August 25, 2005